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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,330	09/04/2001	Vivek M. Sample	99-0067	2321

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 08/13/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,330

Applicant(s)

SAMPLE ET AL.

Examiner

EDMUND H. LEE

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains improper language. Correction is required. See MPEP § 608.01(b).

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;

Art Unit: 1732

(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

4. The abstract of the disclosure is objected to because it does not describe the steps of the claimed method. Correction is required. See MPEP § 608.01(b).

5. Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "claim 11" (cl 13, ln 1; cl 4, ln 1; and cl 14, ln 1) is confusing claim 11 has been canceled. It appears that it should be --claim 12--.

The phrase "the polymer" (cl 14, ln 1) lacks antecedent basis in the claim.

Clarification and/or correction is required.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lazzari (USPN 4911967). For the sake of expediting prosecution, claims 13 through 14 have been interpreted as being dependent on claim 12 instead of canceled claim 11. Lazzari teaches the claimed method (col 1, lns 5-7; col 2, lns 30-60; figs 1-4).

Art Unit: 1732

8. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama et al (USPN 4673602). For the sake of expediting prosecution, claims 13 through 14 have been interpreted as being dependent on claim 12 instead of canceled claim 11. Nakayama et al teach the claimed method (col 1, Ins 10-15; col 2, Ins 24-46; col 3, Ins 12-25; col 4, Ins 39-64; figs 1-8).

9. Claims 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gassaway (USPN 3607528). For the sake of expediting prosecution, claim 13 has been interpreted as being dependent on claim 12 instead of canceled claim 11. Gassaway teaches the claimed method (col 1, Ins 4-8; col 2, Ins 63-66; col 5, In 32-col 6, In 28; col 7, Ins 35-43; figs 1-13).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzari (USPN 4911967). For the sake of expediting prosecution, claim 15 has been interpreted as being dependent on claim 12 instead of canceled claim 11. The above teachings of Lazzari are incorporated hereinafter. Lazzari does not teach the specifically claimed compression molding parameters. Parameters such as temperature and pressure are well-known in the molding art as important molding parameters and the desired temperature and pressure would have been obviously and

Art Unit: 1732

readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature and pressure are generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed temperature and pressure in the process of Lazzari in order to efficiently mold high quality disks.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al (USPN 4673602). For the sake of expediting prosecution, claim 15 has been interpreted as being dependent on claim 12 instead of canceled claim 11. The above teachings of Nakayama et al are incorporated hereinafter. Nakayama et al does not teach the specifically claimed compression molding parameters. Parameters such as temperature and pressure are well-known in the molding art as important molding parameters and the desired temperature and pressure would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature and pressure are generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed temperature and pressure in the process of Nakayama et al in order to efficiently mold high quality disks.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gassaway (USPN 3607528) as applied to above claim 12 and further in view of Nakayama et al (USPN 4673602). For the sake of expediting prosecution, claim 14 has

Art Unit: 1732

been interpreted as being dependent on claim 12 instead of canceled claim 11. The above teachings of Gassaway are incorporated hereinafter. Gassaway does not teach using one of the claimed polymers. Nakayama et al teach compression molding a polymeric layer onto a substrate to form a magnetic hard disk (col 1, lns 10-15; col 2, lns 24-46; col 3, lns 12-25; col 4, lns 39-64; figs 1-8); and using an imide resin as the polymeric resin (col 1, lns 10-15; col 2, lns 24-46; col 3, lns 12-25; col 4, lns 39-64; figs 1-8). Gassaway and Nakayama et al are combinable because they are analogous with respect to compression molding magnetic hard disks. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the imide resin of Nakayama et al as the polymer of Gassaway in order to produce a durable and diversified hard disk.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gassaway (USPN 3607528). For the sake of expediting prosecution, claim 15 has been interpreted as being dependent on claim 12 instead of canceled claim 11. The above teachings of Gassaway are incorporated hereinafter. Gassaway does not teach the specifically claimed compression molding parameters. Parameters such as temperature and pressure are well-known in the molding art as important molding parameters and the desired temperature and pressure would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art at the time the invention was made. Further, the claimed temperature and pressure are generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed

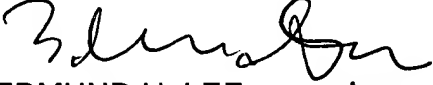
Art Unit: 1732

temperature and pressure in the process of Gassaway in order to efficiently mold high quality disks.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD CRISPINO can be reached on 703.308.3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7718 for regular communications and 703.305.3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.


EDMUND H. LEE
Primary Examiner
Art Unit 1732
8/7/03

EHL
August 7, 2003